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AUG 07 2006
Docket No. UF-343X
Serial No. 10/726,327Remarks

Claims 1-7 are pending in the subject application. By this Amendment, Applicants have amended claims 1 and 2, canceled claims 3, 4, and 7, and added claim 8. Support for the amendments and new claim can be found throughout the subject specification and in the claims as originally filed (see, for example paragraphs 14-18). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1, 2, 5, 6, and 8 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Claims 1-7 are rejected under 35 U.S.C. § 112, first paragraph, as nonenabled by the subject specification. The Office Action indicates that the subject specification is enabled for treating or controlling or reducing swelling or inflammation associated with lipomas with the administering of topiramate but does not reasonably provide enablement for treating all types of diseases, disorder, tumors, cancers and neoplasia. Applicants respectfully assert that the claims are enabled. However, in a sincere effort to expedite prosecution of the subject application to completion, Applicants have amended claim 1 to recite the treatment of lipomas, controlling lipomas, or reducing swelling or inflammation associated with lipomas comprising the administration of topiramate and pharmaceutically acceptable salts thereof. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as anticipated by Relling *et al.* (2000). The Office Action states that the Relling *et al.* reference teaches the use of anticonvulsants in the treatment of acute lymphoblastic leukaemia. Applicants respectfully assert that the Relling *et al.* reference does not anticipate the claimed invention as the reference fails to teach the treatment of lipomas with an anti-convulsant such as topiramate. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Claims 1-6 are rejected under 35 U.S.C. § 102(c) as anticipated by Ikonomidou (U.S. Patent No. 6,797,692). The Action claims that Ikonomidou teaches a method for treating cancer by administering an inhibitor of glutamate with the AMPA receptor complex. Applicants respectfully assert that the Ikonomidou patent does not anticipate the claimed invention as the reference fails to teach the treatment of lipomas, controlling lipomas, or reducing swelling or inflammation associated with lipomas comprising the administration of a composition comprising an anti-convulsant such as

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topiramate. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(c) is respectfully requested.

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as obvious Ikonomidou (U.S. Patent No. 6,797,692) in view of Costenzo *et al.* (U.S. Patent No. 5,498,629), Choi *et al.* (U.S. Patent No. 5,654,461) and Choi *et al.* (U.S. Patent No. 6,892,008). The Office Action indicates that the secondary references teach the fructopyranose sulfamate compounds are derivatives of topiramate. The Action concludes that an ordinarily skilled artisan would have assumed the fructopyranose sulfamate compounds possess the same anticancer activities; thus, the substitution of topiramate with the fructopyranose sulfamate compounds would achieve the same anticancer results in the absence of evidence to the contrary. Applicants respectfully assert that the claimed invention is not obvious over the cited references, regardless of whether the references are taken alone or in combination. As indicated above, Ikonomidou fails to teach the treatment of lipomas, controlling lipomas, or reducing swelling or inflammation associated with lipomas comprising the administration of a composition comprising an anti-convulsant such as topiramate. In addition, the secondary references fail to remedy this defect in the teachings of Ikonomidou. As the Patent Office is aware, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As the combination of references fails to teach all the claim limitations, it is respectfully submitted that the Office Action fails to establish a *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

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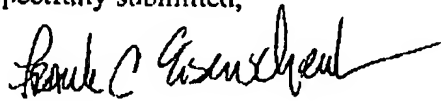
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The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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